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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/16/2023

February 14, 2023

**VIA ECF**

Honorable Valerie Caproni, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 443  
New York, New York 10007

Re: *In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC*

Dear Judge Caproni:

This firm represents Navidea Biopharmaceuticals, Inc. (“Navidea”) in the above-referenced action. We write to request clarification and confirmation that Your Honor considers Magistrate Judge Valerie Figueredo’s Report and Recommendation [Dkt. 298] to be governed under Fed. R. Civ. P. 72(a) to which no response to Dr. Goldberg’s objection is contemplated.

This clarification is requested because while Your Honor referred the matter as a non-dispositive matter [Dkt. 278] and previously cautioned that the Court will not consider responses to objections in a similar situation [Dkt. 206], the Report and Recommendation references Fed. R. Civ. 72(b) which would contemplate a response [Dkt. 298 at 46]. Of course, if Your Honor believes that a response from Navidea will aid the Court in considering the objections, Navidea is prepared to file a response within the time frame contemplated under Fed. R. Civ. 72(b).

We thank Your Honor for your attention to this matter.

Respectfully submitted,

/s/ Barry M. Kazan

Barry M. Kazan

For purposes of clarification, Mr. Goldberg's motion for advancement of attorneys' fees is a non-dispositive motion under Rule 72(a). However, in light of the history of this case and previous R&Rs, the Court will permit Navidea to respond to Goldberg's objections. Such response, if any, shall be due **February 28, 2023**.

SO ORDERED.



Date: 2/16/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE